

NDE – Understanding Leave

February 19, 2014

- LEAVE

- Sick

- **Advancements** - as of 7/1/13 the policy has changed to allow for an employee to request what they would earn in the next 3 months and employees will be able to use advanced sick leave for themselves or to care for an immediate family member. Can't make additional requests until previous advancement is earned back. Subject to approval by LCM and form submitted to HR. Eligible after six months of service.
- **Immediate Family Definition** – spouse, children, including step, adopted and foster children, daughter/son-in-law, mother, father, and mother of father of the spouse.
- **Leave Without Pay** – Must exhaust comp time and accrued vacation before requesting. Discouraged and must be approved by LCM and the form submitted to HR. If this will be for more than 3 work days please contact HR immediately in case we need to remove the employee from regular payroll processing.
 - **Service Date Adjustments** – an employee's service date shall be adjusted when an unpaid absence exceeds 14 consecutive calendar days. Employees may apply available, accumulated paid leave in no less than 8 hour increments, on their monthly timesheet to prevent service date adjustments. (Or corresponding FTE for part-time)
- **Catastrophic Illness Donations** – Can be requested if an employee is absent for more than 30 consecutive calendar days for the employee's own serious illness. Employee's own paid leave must be exhausted before the Catastrophic donations are applied. Eligible after one year of service.
- **Return to work** – If a release to return to work (Dr. note) is requested or provided then a copy should be scanned and emailed to amy.spellman@nebraska.gov and pam.marker@nebraska.gov to be placed in the employee's medical file.

- Family and Medical Leave (FMLA)

- **Conditions for Using**-See Handout. Need to ask enough questions to know if it should be FMLA. What is the reason? (The answer does not need to be detailed); Did the employee see a Dr.?; Has the employee had the condition before?; When was the onset?; What is the expected return date?
- **Paid Leave** - Employees who are absent or request leave for more than 40 hours (non-consecutive) due to a condition for using FMLA will have that leave credited against the 12 week (480 hour) entitlement. Employees should contact HR (Amy Spellman) immediately to get the appropriate paperwork. If the employee is unavailable then the Manager should contact HR.
- **Employee Check in:** When an employee is on an extended leave a check in schedule should be established between the employee and the supervisor. If there are any changes to the leave needed that would affect payroll please notify HR and Cinda Wacker.

- **Vacation**
 - **Advancements** - as of 7/1/13 policy has changed to allow for an employee to request what they would earn in the next 3 months. Can only request once every 3 months and have to earn back all advanced leave before another request can be made. Employees with more than 5 continuous years of service and no record of leave abuse shall not have requests of 30 hours or less unreasonably denied. Request forms are submitted to LCM for approval or denial.
 - **Leave Without Pay** – All earned vacation leave must be used before granting. Discouraged and must be approved by LCM and the form submitted to HR. If this will be for more than 3 work days please contact HR immediately in case we need to remove the employee from regular payroll processing.
 - **Service Date Adjustments-see above under sick leave.**
- **Injury**
 - Workers' Compensation – An employee entitled to be paid Workers' Comp shall be granted injury leave with full pay for the first 5 work days (or part of a day) they are unable to work due to injury or treatments for such injury. At the expiration of injury leave, provisions of the Workers' Compensation Act apply.
- **Adoption**
 - As of 7/1/13 the mother or single parent father of a newly adopted child can receive up to 6 weeks of leave. The leave shall be taken first as sick leave and then vacation leave or comp time if available. Paid or unpaid leave would run concurrently with FMLA.
 - Not eligible if child is a special needs child over 18, a child who is over 8 years and not a special needs child, a stepchild being adopted, a foster child being adopted by foster parent, or a child who was originally under a voluntary placement for purposes other than adoption.
- **Bereavement (funeral)**
 - Immediate Family Definition – Spouse, children, step children, foster children, parents, children-in-law, grandchildren, grandparents, brothers, sisters, brother-in-law, sister-in-law, or persons bearing the same relation to the spouse. LCM can approve for other individuals with a similar personal relationship to the employee as that of an immediate family member. Up to 40 hours may be granted and it doesn't have to be used all at once. It is available for a period of 30 calendar days after death or first notice of the death.
 - Non-immediate Family – Up to 8 hours of leave may be granted.
- **Civil**
 - Used for jury duty, clerk, election inspector, or judge of an election board. Serving as a witness under a work-related subpoena or voluntarily at the request of the agency. Forward any documentation for this leave to HR.
- **Administrative**
 - Granted by the Commissioner or Deputy due to natural disasters, public health emergencies, inclement weather or local work-related emergencies.
- **Military**
 - 120 hours per year
- **Interviews**
 - For positions within NDE can use paid work time

- **EAP**
 - If directed may attend during work time and at Agencies expense
- **Legislative hearings**
 - May use vacation or adjust work schedule for the purpose of attending legislative hearings of their own choosing.
- **Blood donations**
 - Allowed paid time away to give blood during State sponsored drives or if there is a blood supply emergency at the Supervisors discretion.
- **Retirement seminars**
 - Up to 2 planning and 2 pre-retirement seminars by NPERS. This should be recorded as 8 hours of work time and then a comment made.
- **Holidays**
 - Must be in a paid work status or using paid leave on both sides of the holiday to get paid holiday.